

**THE BOARD OF COMMISSIONERS OF UTAH COUNTY, UTAH**  
COMMISSION CHAMBERS, ROOM 1400  
OF THE UTAH COUNTY ADMINISTRATION BUILDING  
**Tuesday, January 26, 2016 at 9:00 A.M.**

**PRESENT:** COMMISSIONER LARRY A ELLERTSON, CHAIR  
COMMISSIONER WILLIAM C. LEE, VICE-CHAIR  
COMMISSIONER GREG GRAVES

**ALSO PRESENT:**

Jeffrey R. Buhman, Utah County Attorney  
James Tracy, Utah County Sheriff  
Jeff Smith, Utah County Recorder  
Kim Jackson, Utah County Treasurer  
Gary Ratcliffe, Utah County Surveyor  
Lana Jensen, Utah County Personnel Director  
Richard Nielson, Utah County Public Works Director  
Ralph Clegg, Health Department Executive Director  
Dalene Higgins, Utah County Sheriff's Office  
Steve Mickelson, Health Department  
Mike Stansfield, Fairways Media  
Lisa Nielson, Utah County Commission Office  
Michelle Araujo, Utah County Commission Office  
Peggy Kelsey, Community Development  
Brandon Larsen, Community Development  
Eric Edwards, Utah County Health Department  
Dana Barney, Utah County Treasurer's Office  
Brian Voeks, Utah County Commission Office  
Scott Hogenson, Utah County Clerk/Auditor's Office  
Brian Freeman, Utah County Clerk/Auditor's Office  
Cary McConnell, Utah County Treasurer's Office  
Do Burt Garfield, Utah County Assessor's Office  
Carl Hollan, Utah County Attorney's Office  
Jane Ivie, Utah County Personnel Department  
Colby Rollins, Lehi Resident  
Mark Allen, PPAFC  
Robert McFarlane, PPAFC  
Ernie John, American Fork Resident  
Keith Hansen, Salt Lake County Service Area No. 3  
Reneé Huggins-Caron, Clerk/Auditor Administrative Assistant

Robert Moore, Utah County Attorney's Office  
Bryce Armstrong, Community Development  
Josh Ivie, Community Development  
Paul Jones, Utah County Attorney's Office  
Andrea Allen, Utah County Recorder's Office  
David Shawcroft, Utah County Attorney's Office  
Richard Roach, Palmyra Resident  
Neil Peterson, Computer Department  
Katie England, The Daily Herald  
Dave Fields, Snowbird Ski & Summer Resort  
Tom Sakievich, SF Precinct 15 Vice-Chair  
Robert Shelley, Snowbird Ski & Summer Resort  
Bob Bonar, Snowbird Ski & Summer Resort  
Cheri Tuckett, Foster Grandparents Program  
Scott Sandstrom – no further information given  
Marissa Wright –no further information given  
Karen McCoy, American Fork Resident  
Cindy Dolen, Salt Lake County  
Casey Voeks, Lehi Resident  
Peter Karp, Cedar Hills Resident  
Mike Kipp, Orem Resident  
Doug Squire, Utah County Sheriff's Office  
Kurt Williams, Salt Lake County  
Michael Devries, Lindon Resident  
Brad Frost, American Fork City Council  
Wayne Burr, no further information given  
Peter Schory, Snowbird Ski and Summer Resort  
John Garfield, Utah County Resident  
Sharif Dajany, Utah County Resident

Commissioner Ellertson call the meeting to order at 9:01 A.M. and welcomed those present. The following matters were discussed:

**PRAYER/READING/THOUGHT:** Brad Frost

**PLEDGE OF ALLEGIANCE:** Keith Hansen

**CONSENT AGENDA**

**1. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE AIRPLANE HANGER GROUND LEASE AGREEMENT WITH THE SPANISH FORK/SPRINGVILLE AIRPORT BOARD**

The commissioners requested Consent Agenda Item No. 1 be continued to a future meeting of the Board.  
CONTINUED TO FEBRUARY 9, 2016

**2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE FY 2016 HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS (HMEP) GRANT AWARD DOCUMENT FROM THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF HOMELAND SECURITY**

**3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO ELECTRONICALLY SIGN THE ENTERPRISE AGREEMENT WITH MICROSOFT CORP FOR ENTERPRISE LICENSING OF MICROSOFT SOFTWARE PRODUCTS *(Continued from the January 19, 2016 Commission Meeting)***

**4. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 286, DATED JANUARY 19, 2016.**

**5. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER 20351, DATED JANUARY 20, 2016**

**6. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2016-3**

**7. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE CHILDREN'S JUSTICE CENTER AND THE UTAH COUNTY HEALTH DEPARTMENT**

**8. RATIFICATION OF WARRANT REGISTER SUMMARY FOR JANUARY 19, 2016 *(Continued from the January 19, 2016 Commission Meeting)***

**9. RATIFICATION OF WARRANT REGISTER SUMMARY FOR JANUARY 26, 2016**

The Board requested Consent Agenda Item No. 9 be moved to the Regular Agenda for Discussion.  
PULLED TO REGULAR AGENDA

**10. RATIFICATION OF PAYROLL**

Consent Agenda Item Nos. 2 through 8, and 10, were approved as written. Commissioner Ellertson recommended the following Regular Agenda Items be moved to Consent:

**1. APPROVE THE MINUTES OF THE DECEMBER 22, 2015 COMMISSION MEETING**

The Board suggested this item be stricken from the agenda.  
STRICKEN

4. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH UTAH MICROGRAPHIC SERVICE SOLUTIONS FOR MAINTENANCE ON A MINOLTA MS6000MKII IN THE RECORDER'S OFFICE
5. ADD ONE 3/4 TIME CAREER SERVICE VICTIM & WITNESS COORDINATOR POSITION, AND DELETE ONE HALF-TIME CAREER SERVICE VICTIM & WITNESS COORDINATOR POSITION, FROM THE ATTORNEY'S OFFICE STAFFING PLAN (CLASS CODE 5006, ACCOUNT NUMBER 100-41451)
6. ADD ONE FULL-TIME CAREER SERVICE SERGEANT-INVESTIGATIONS POSITION (CLASS CODE 3094, ACCOUNT NUMBER 100-41453) TO, AND DELETE ONE FULL-TIME CAREER SERVICE SPECIAL INVESTIGATOR POSITION FROM, THE STAFFING PLAN OF THE INVESTIGATIONS BUREAU OF THE COUNTY ATTORNEY'S OFFICE (CLASS CODE 4025)
7. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE 'COMPLIANCE AGREEMENT AND BOND FOR OPEN PIT MINING OPERATIONS' WITH GENEVA ROCK PRODUCTS, INC. FOR AN EXISTING MINE OPERATION, SITE LOCATION OF APPROXIMATELY 12362 N 10350 W, SECTION 24, T4S, R1W, SLB&M, M&G-1 ZONE, POINT OF THE MOUNTAIN AREA OF UNINCORPORATED UTAH COUNTY; SURETY NO. 106326312, AMOUNT OF \$412,750.00 WITH TRAVELERS CASUALTY & SURETY COMPANY OF AMERICA, ONE TOWER SQUARE, HARTFORD, CT 06183
8. APPROVE THE RELEASE OF BOND FOR OPEN PIT MINING OPERATIONS, FOR GENEVA ROCK PRODUCTS, INC., SURETY BOND NO 103529289 IN THE AMOUNT OF \$131,600.00, AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE RELEASE LETTER; SURETY IS TRAVELERS CASUALTY & SURETY COMPANY OF AMERICA ATTN. SILVIA CARROLL, 1100 E 6600 S STE 500, SALT LAKE CITY, UTAH 84121
10. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE SUBDIVISION IMPROVEMENT AND WARRANTY AGREEMENT FOR THE BOX ELDER SOUTH SUBDIVISION IN THE AMOUNT OF \$2,958,187.61
14. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO ELECTRONICALLY SIGN THE 'RESEARCH AND DEVELOPMENT IN FORENSIC SCIENCE FOR CRIMINAL JUSTICE PURPOSES' GRANT APPLICATION FOR THE DEPARTMENT OF JUSTICE
15. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE A STIPULATION OF SETTLEMENT AND JOINT MOTION FOR APPROVAL WITH COMCAST OF UTAH AND THE UTAH STATE TAX COMMISSION RELATED TO 2012 PROPERTY TAXES
16. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE A STIPULATION OF SETTLEMENT AND JOINT MOTION FOR APPROVAL WITH COMCAST OF UTAH AND THE UTAH STATE TAX COMMISSION RELATED TO 2013 PROPERTY TAXES
19. APPROVE AND AUTHORIZE AN AGREEMENT WITH AMERICAN LANDS COUNCIL

21. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT BETWEEN UTAH COUNTY AND SHARPE PHOTOGRAPHY, INC**
22. **APPROVE THE NOTICE OF CANCELLATION OF MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY FOR TUESDAY, FEBRUARY 23, 2016**
23. **ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT WITH MOUNTAINLAND ASSOCIATION OF GOVERNMENTS RELATING TO THE PROVISION OF REGIONAL PLANNING AND OTHER GOVERNMENTAL SERVICES**
24. **ADOPT A RESOLUTION AND CERTIFICATE OF APPOINTMENT OF WILLIAM C. LEE AS A COMMISSIONER OF THE HOUSING AUTHORITY OF UTAH COUNTY**
25. **ADOPT A RESOLUTION OF REAPPOINTMENT OF TOBY BATH TO THE ADMINISTRATIVE CONTROL BOARD OF THE NORTH UTAH VALLEY ANIMAL SERVICES SPECIAL SERVICE DISTRICT**
26. **ADOPT RESOLUTION OF APPOINTMENT OF GORDON W. DUVAL AS A MEMBER AND APPOINTMENT OF KENT O. WILLS AS AN ALTERNATE MEMBER TO THE UTAH COUNTY BOARD OF ADJUSTMENT**

#### **ACTIONS TAKEN**

Consent Agenda Item No. **1** was **continued**; Nos. **2** and **3** was **approved and authorized**; Nos. **4 through 6** were **approved**; No. **7** was **adopted**; and Nos. **8** and **10** was **ratified**. Regular Agenda Item No. **1** was **stricken** from the agenda; No. **4, 7, 14 through 16, 19 and 21** were **approved and authorized**; Nos. **8** and **22** was **approved**; No. **10** was **ratified**; and Nos. **23 through 26** were **adopted**.

**AGREEMENT NOS.:** 2016-75, 2016-76, 2016-77, 2016-78, 2016-79, 2016-80, 2016-81, 2016-82, 2016-83, 2016-84; 2016-85, 2016-86, 2016-87, 2016-88, 2016-89, 2016-90

**RESOLUTION NOS:** 2016-8, 2016-9, 2016-10, 2016-11, 2016-12

#### **REGULAR AGENDA**

##### **(PULLED FROM CONSENT)**

##### **9. RATIFICATION OF WARRANT REGISTER SUMMARY FOR JANUARY 25, 2016**

Commissioner Lee asked the attorneys which is being approved, the purchases or the report that is stated in the summaries. He spoke about occasions when he questioned something. Commissioner Ellertson explained he understood when a commissioner questioned any item, it would be held until clarified. Bryan Thompson said only two commissioner's approval was needed for the item to move forward. The ability to always question an item exists. Commissioner Ellertson explained he understood from the Auditor's Office that if there was a question by any of the commissioners, the item would be held until it was clarified. Commissioner Lee said he would like the statute to be looked at as he believed it allowed for an item to go through so that one commissioner cannot hold it up. He continued saying he thought the statute recognized when there is a question on an item. He said he was concerned about three items that had not been resolved. He was also

concerned that if he allowed this to go through on consent, what would take precedent, the question or the consent. Rob Moore said he would look into that for him. Rob continued saying Commissioner Lee could consent to part of the register and not to the other part.

**Commissioner Lee made the motion to continue Item No. 9 for one week. The motion was seconded by Commissioner Graves and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves**  
**NAY: None**

Bryan Thompson commented he would like more discussion on what the commission would like if one commissioner questioned an item. He said his understanding was that they cannot hold a check. Commissioner Ellertson said he didn't want to hold the check, but would like a timely response on his questions. Bryan agreed and said if a response wasn't received after a certain period of time, the item moved forward with two commissioner's approval.

#### **REGULAR AGENDA**

**2. ADOPT AN ORDINANCE AMENDING SUBSECTION 2-8-6 OF THE UTAH COUNTY CODE RELATING TO ADMINISTRATION (Continued from the January 12 and January 19, 2016 Commission Meetings)**

Commissioner Lee summarized the changes to the ordinance on commission decorum. He spoke on notification issues when there is a press inquiry. He suggested a 72 hour time period in which the other commissioners should be notified when this occurs instead of "in a timely manner" as was done previously<sup>7</sup>. Commissioner Ellertson said he was okay with that. Commissioner Graves questioned the 72 hours when most of the time it is after 72 hours, the article has been published in the paper, when we notify each other. Discussion was had on how electronic notification might be the preferred way of notification or if there could be other means. The second change Commissioner Lee commented on was whether the commission can comment on an issue if an official position has been adopted or an action has been voted on. Commissioner Ellertson replied he thought the original copy already said the commissioner cannot comment on an issue without the prior authorization of the Utah County Board of Commissioners. Discussion was had on an addition to show whether or not a commissioner can comment on the official position of the County after an action has been officially adopted or voted on. Further conversation was had on press releases and whether the County has to have an official statement before a press release can be issued. Commissioner Lee stated press releases could be ratified after the fact. Commissioner Ellertson suggested continuing this item for a week to clean up the language of the ordinance.

**Commissioner Graves made the motion to continue Item No. 2 for one week. The motion was seconded by Commissioner Lee and carried with the following vote:**

**Aye: Larry A. Ellertson  
William C. Lee  
Greg Graves**  
**Nay: None**

**3. ADOPT A RESOLUTION REGARDING SNOWBIRD SKI AND SUMMER RESORT PROPERTY LOCATED IN AMERICAN FORK CANYON**

Commissioner Lee explained why he put this resolution forward and published it for the public. He said he had 3 main objectives: 1) Talk about private property rights, 2) Address environmental concerns, and 3) Public use of easements and access. He mentioned the people he has spoken with and received emails from are both pro and con to the issue. He described how he was concerned if this would negatively impact the Board of Adjustments. He spoke to the attorney's office and was told they didn't think it would affect it. He discussed how in each place where it says "descriptive easements", it should be changed to say "public use easements-county road and trail". After speaking with Snowbird, he said he would like to add in the "Whereas" section the following: "Whereas Snowbird has participated in mine cleanup, with Trout Unlimited, Tiffany and Company and the EPA of the Pacific Mine tailings". This would be to recognize they have been working to clean up American Fork Canyon.

Commissioner Ellertson asked for a summary of what this resolution accomplishes. Commissioner Lee responded that the resolution the Board recognizes private property rights and where they stand as a Board.

Karen McCoy, an American Fork resident, thanked the county for taking a common sense approach to protect the CE1 zone. She explained how after reading minutes and notes, she is frustrated by a lack of public comment. She spoke on how common sense spoken about in the meetings disappears when Snowbird's attorney and some handicapped people spoke up. She applauded the Board for taking steps to protect the water in the canyon. She said she hoped Snowbird understands they bought mining property and not resort property.

Mareesa Wright, a Cedar Hills resident, commented she didn't think Snowbird has cleaned up the mining tails by comparing to a teenager cleaning his room by shoving all his clothes under the bed. She asked them to show her that the Yankee Mine is clean. She stressed her concern for the water when avalanche control bombs are set off and whether contaminants would be released the water for generations. She described the years of effort she spent as a Cedar Hills Councilman working to protect the water to see it ruined by Snowbird. She urged Snowbird to show the reports showing the mine has been cleaned up. Mareesa commented that what they are doing will affect the Yankee Mine as well because they are all interconnected. She reiterated that she thought the language was weak on them cleaning up their side of the mountain because it is not true. She described the filtering process Cedar Hill's water goes through and how the water from mining tailings in Mineral Basin filter down into the city's water. She described the tests public works does monthly and their results. She commented the waters in Tibble Fork and the fish therein are toxic. She stated her concerns should if Yankee Mine explode open, the consequences would be disastrous on a monumental level. She said it would be on the shoulders of Utah County for letting this happen.

Robert MacFarland, a Salt Lake County resident, echoed the concerns of contaminated water. He described how his family owned property downstream from the Canyons Resort. He described how development of the resort in the high alpine disturbed the stream there causing it to go from being a blue-ribbon fishery to an EPA impaired stream because phosphates were released. He described how in the summer, mine tailings in Mary Ellen Gulch are un-vegetated because the soils won't support life. He stated Snowbird's application says they will disturb 40 acres of mine tailings. He also described how the hydrology in the area will be changed with snow making in Mineral Basin. He commented on how the application doesn't mention best management practices around the watersheds. He said this is the most critical issue when the toxins are disturbed. He said

once these toxins are brought into the water supply, it will be impossible to bring the water quality back to healthy. He concluded by asking what will happen when Snowcats run in low snow conditions and turn up heavy metals where can they get into the water supply.

Commissioner Graves asked how one activity contaminates the water, but others, such as four-wheelers, do not. Robert explained jeeps and such are contained on roads and trails. When the ski resort is developed, there will be more roads developed that could change the hydrology of the area.

Mark Allen, Protect and Preserve American Fork Canyon, spoke how Tibble Fork Reservoir is filled with hazardous sludge because of Snowbird. He described how Snowbird cleaned up Pacific Mine where the levels were 17,000 times what was admissible. He questioned why they haven't cleaned up their other mines. He spoke of not knowing what hazards there are at the mine sites and not just the tailings. He spoke of property that has prescriptive easements. He added how Snowbird needed to mark its property. To Snowbird, he said protect public right-a-ways, be a good steward, clean up your property, and protect the watershed.

Keith Hansen, general manager of Salt Lake County Service Area 3, spoke in support of Snowbird's proposed plans in American Fork Canyon. He described his history with Service Area 3 up in Little Cottonwood Canyon. He said Snowbird has been an excellent partner in efforts to protect and improve Little Cottonwood's watershed. He compared how Little Cottonwood and American Fork Canyons had similar history. He described Snowbird's efforts in remediating the damages done to the canyon which in turn lessened the release of heavy metals into the water. He also described the years of testing in Little Cottonwood Creek Snowbird has had in place that show the improvement versus degradation of the water quality. He described how the Live Yankee Mine doesn't have a bulkhead in it that could cause a disaster like was seen in Colorado. He ended by saying they are a good steward of their properties.

Commissioner Lee asked Mr. Hansen if he saw anything in the resolution that was counter to what Snowbird was trying to do in the canyon. Mr. Hansen answered no, it states how they want to be a good steward of the land.

Ms. Yune Ja Gardner spoke in appreciation of Snowbird and their sponsorship of Wasatch Adaptive Sports. She described how her handicapped son became a skier through this program and last year learned how to ride a two wheeled bicycle. She stated this program and skills learned through it changed his world for the better and allowed him to dream. She commented how Snowbird's willingness to be a resource and partner to help the handicapped and disadvantaged was heartwarming.

Brad Frost, American Fork City Council, explained how he had been involved in this process for several months. He described what the City Council has gone through in regards to water quality. He mentioned how Cave Camp Spring Well, one of the primary water sources for American Fork, lies just below the headwaters of Mary Ellen Gulch. He described the different sections of the county whose water is supplied from this source. He asked if the County or Snowbird understands the liability of this. He suggested the gentleman from Salt Lake Service District 3 come and help the city and the county learn how to have clean water. He described how there is no trust in Snowbird. He described how when corporations get together with government, the rules change. He said data and information is needed from Snowbird. He said he wants unbiased information and will not just take Snowbird's word on data. He asked the Board not to trifle with water quality.

Bob Bonar, General Manager of Snowbird Resort, explained how he is extremely proud of his company and that they have been leaders in this community in improving water quality. He continued describing how he felt about their small part in cleaning American Fork Canyon. He suggested people not to believe the scare tactics being used by some in the audience. He stressed that he knows their development will not affect water quality. He said he knows that because of the ton of money spent on studies. Some studies go back to the 1940's and as recently as 1990's documenting water quality. He displayed studies done by experts, State of Utah, Department of Environmental Quality, EPA and other federal agencies. He said they have done the three cleanups that were suggested be done in American Fork Canyon (the Dutchman Mine, the Pacific Mine and the Yankee Mine). He said there would be no "whoosh" that will come from Yankee Mine as the recommended cleanup was to put in a small water collection system and re-channel the water around it. This has been done. The only thing they recommended was that ATV's or skiing should stay off the dirt and/or tailings piles. He said they are not proposing to disturb the mine tailings. He said in closing, Snowbird's proposal is within the law and their rights as private property owners. He said he stands in opposition to this resolution because it is in the way of the process the State of Utah and Utah County Commission has set up with the Board of Adjustments. He suggested everyone let the Board of Adjustments do their work in an unbiased way. He felt like it was inappropriate to try to influence the Board of Adjustments in their decision or for this Commission to try to influence them.

Colby Rollins, Director at Snowbird, stated he was opposed to the resolution being proposed. He said it would be disregarding a previous mandate passed by the Board. In a prepared statement, he described the CE-1 designation and what it covers. He also read about Section 3.47 of the Utah County Land Use Ordinance that covers ski-lifts and related facilities. He added this County Land Use Ordinance was passed by the County Commission with its stated intent. He spoke about this ordinance's stated intent – to promote the general welfare of its present and future inhabitants, to establish zones to protect the watershed and recharge areas, and adopt a specific section that covers ski-lifts and facilities. He stated if they abide by these stated standards in the ordinance, then a conditional use permit must be issued. He added the resolution has a specific public interest in protecting the watershed. He asked what was absent in the Utah County Land Use Ordinance. He answered he could not find anything missing as it covers watershed. He reminded the Board that the Land Use Ordinance also is to encourage orderly and facilitate order growth and development in the County. He encouraged the Board to keep the process unbiased as it was set up.

Commissioner Lee spoke on the meeting he had with Bob and Colby the previous evening to discuss the resolution. Commissioner Lee said he thought it was interesting Colby was against the resolution and had not read it. Colby replied he had not read that resolution but had read previous resolutions that were similar to it. Discussion was had on whether the ordinance previously passed covered private property rights, watershed and environmental protections. As part of the discussion Colby explained how he was against going outside the bounds of what has been set as a process by the Board of Adjustment by issuing a resolution because the contents were already included in ordinances. He concluded by saying he felt that the County Commissioners clarified their stand when the ordinance was passed.

John Garfield, Utah County resident, stated in the spirit of transparency, there was no secret that he works closely with Snowbird. He spoke about a radio program he heard the previous night that encouraged people to come and work together to be successful. He commended the Board for caring deeply for the county. He

described the owners of Snowbird as being lawful, concerned, ethical, do what is asked of them, and forthright. He said he wanted it put on public record that these are good people who want to do the right thing.

Brad Frost, American Fork City Council, returned to the stand. He spoke about how with every decision attorneys are brought in to make it black and white. He said the discretion of the Board today is the health and safety of their constituents. He reiterated his earlier statement that the County should bring in the man from Salt Lake Service District 3 to explain what he did on that side of the mountain. He stated he felt this resolution makes a statement where the commissioner stand. As commissioners which represent constituents of cities that have passed resolutions, he urged them to take a stand. He said if they were to err, to err on the side of safety.

Commissioner Ellertson then recessed the meeting for five minutes. The meeting recommenced and the following persons continued to speak on Item No. 3:

Scott Sandstrom, a Lehi City resident, spoke on how he had visited several city council meetings in the area where resolutions comparable to the Board's resolution were approved. He said he was concerned with water and right-of-way issues in American Fork Canyon. He said he was also concerned with moving mine tailings. He spoke of viewing satellite photos of Mineral Basin which showed mine tailing previously, now have lift towers. He recognized that Snowbird, in conjunction with other partners, previously did some big projects. He said he thought this resolution would speak about current property rights and make sure Snowbird cleanups properties that could affect those downstream.

Curt Williams, who described himself as an avid AFC user in many forms and an armchair historian of the canyon, described how he has contacted many organizations that are very concerned about right-of-way access in American Fork Canyon. He showed Commissioner Graves a county approved map that in which he described the roads have been in use for many years. He said he thought the resolution was a good idea. He commented he would like to take up Bob Bonar's offer for a tour of Live Yankee Mine which he described as being clogged just past the compressor room. He said the mine has water flowing over the clog. In addition to the Live Yankee Mine, he described the Glove Mine is also flooded with waste deep water. He mentioned how he had toured the Wasatch Drain Tunnel with Keith Hansen and spoke about the treatment plant located inside the mine portal. He said this plant treats the water before it is released into the system. He concluded by speaking of the year-round access currently available to American Fork Canyon.

Robert Shelley, a resident of Alpine, spoke of his disappointment in not knowing about the proposed changes to American Fork Canyon until May of 2015. He commented on his and his dad's history of using the canyon. He requested Snowbird make the studies available to the public on a website so others can see their results. He said he agrees with the water concerns.

Dave Fields, Vice-President of Resort Operations of Snowbird, spoke of growing up in Little Cottonwood Canyon and how one of his favorite destinations was in American Fork Canyon. He spoke of hiking with his family in Mineral Basin. He urged the Board to trust the current process of the Board of Adjustments.

Jason Stowell, a Salt Lake County resident and consultant for Snowbird, said he was an avid skier. He said most importantly he is an advocate for private property rights and for applications that meet the requirements for a

conditional use permit. He quoted Board of the Declaration of Legislative Intent Section A.1 and Section C-10. He described Snowbird's 45 year reputation of dealing with culinary high standard drinking water in Little Cottonwood Canyon. He stated he was not in support of a resolution that drafts what has already been stated.

Ernie John, President of American Fork Irrigation Co. and President of American Fork Metropolitan Water District, explained he is employed as the North Utah County Water Coordinator. He described how his position entails coordinating the surface water that comes out of American Fork Canyon to the various irrigation companies and cities. He said he wanted to address water quality which he didn't think had been addressed enough. He said he was in favor of the resolution. He commented how the studies Bob Bonar spoke about were conducted through the 90's, but so not cover current proposed use. He said proposed construction by Snowbird is not addressed in the studies. He commented Snowbird has a right to develop their private property, but suggested new studies need to be done. He asked the commissioners to approve the resolution and then step back and take a look. He commented we didn't need a Flint, Michigan situation here.

Peter Schory, Winter Operations Director at Snowbird, spoke about serving tours in Vietnam, the Ski Patrol at Snowbird in 1972, Wasatch Powderbird Guides, and Wasatch Backcountry Rescue. He described being familiar with the terrain from doing avalanche control in Mary Ellen Gulch since 1973 and at the Yankee Mine in the 1980's. Due to this familiarity with the land, he said with certainty that avalanches and skiing do not disturb mine tailings. Having had 40 years of experience in Little Cottonwood Canyon, he said he had never seen any type of tailing disturbance from avalanches or erosion, skiing or avalanche control work. He said he helped with lift alignments that are being proposed at Mary Ellen Gulch. He wanted the Board to know he had worked with Bob Bonar for 40 years and thought he was honest, fair, and knowledgeable.

Commissioner Lee talked about the CE-1 zone. He commented how they are not the Board that made previous decisions and because of this has been questioned many times on where the Board stands about American Fork Canyon. He explained this resolution is a simple document that states a position that they have not have an opportunity to publicly state as a commission. A vote in favor of the resolution shows three things: private property rights (ability to develop according to the land use policy that was set prior to this Board), recognize environmental concerns, public access (easement).

Commissioner Ellertson mentioned recognizing and respect the importance of process from his 20 years of experience, but not to hide behind it. He stated the decision being made today is not a Commission decision. He said the decision of what Snowbird wants to do in American Fork Canyon is not a County Commission decision but is a decision before the Board of Adjustment. He continued commenting that the Board of Adjustment is independent of the Commission. Commissioner Ellertson said he would be fine with a generic resolution, but this one is getting involved in the Snowbird issue specifically. He said he valued all three elements Commissioner Lee mentioned as being in the resolution and would be okay with a generic resolution. He stated he was concerned the Board was appearing to interfere with the Board of Adjustment. Commissioner Ellertson pointed out if he did what he had been instructed by people in the room, he will not to take any action on this issue as long as it pertains to Snowbird. That is because he has been asked not to do so. Commissioner Lee asked if Commissioner Ellertson would be okay with a generic resolution that replaces everything that says "Snowbird" with "CE-1 zone". Commissioner Ellertson answered that he thought they could come to an agreement on a resolution that isn't addressed to the Board of Adjustment and deals with their

reaffirming their position on those things. Commissioner Graves remarked he thought those were called ordinances and if they had an issue with those, the ordinance would need to be addressed.

Commissioner Ellertson commented that the item could be continued for one week to try to get the wording as he suggested. Commissioner Lee mentioned how he had been trying to work with all parties – from the cities, Snowbird, to the citizens. Commissioner Graves stated he had no intention of taking action on this as it seems inappropriate. He added he does not agree with going against process as there wasn't a problem with the ordinance. Commissioner Lee said he thought they had come to conclusion to go through public process with Snowbird, would collaborate together, and involve the public. Commissioner Graves said he disagreed with the Board interfering in the process. He commented how the Board had known about this for a year and never looked at the ordinance and had an issue with it in that case. Commissioner Lee stated he thought they had come to a conclusion with Snowbird to go through a longer public process by going to the cities and towns in collaboration. He commented how most of the cities had passed resolutions concerning American Fork Canyon. Commissioner Graves spoke on many people's distrust of the EPA. Commissioner Lee spoke about federal partners. He said he was okay with continuing this item for one week. Commissioner Ellertson agreed to continue the item for one week to continue discussion on the resolution.

**Commissioner Lee made the motion to continue Item No. 3 for one week. Due to a lack of a second, Commissioner Ellertson suspended the Roberts Rules of Order, seconded the motion and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee**  
**NAY: Greg Graves**

Commissioner Graves took a moment of personal preference and read the following prepared statement on where he is on this issue:

"I am saddened by the events that have taken place behind closed doors to get us to this point. I apologize for taking a couple of minutes of precious time to do this but feel it necessary because of many things that have been alleged, spoken and done.

"Several weeks ago, this commission was asked to support and sign a clean air pledge. In support of Commissioner Lee's personal rights, I made a motion changing the traditional way of having a signature represent all of us and instead let each individual sign at their own desire. The reason was because of his conviction for the word "Pledge". I completely agree and have tremendous respect for him in that belief and am honored to serve with someone who feels and takes those words so seriously.

"Nearly 2 years ago I and many other candidates signed and pledged to uphold and promote the Utah County Republican Party Platform. The values and principles contained in that document are something that a vast majority in this county believe in and fight to protect each and every day. The preamble of that document states, 'We the members of the Utah County Republican Party do hereby affirm our belief and trust in God and that it was through His intervention that this nation was established. The foundation of our platform is the knowledge that all people are created equal and that the role of government should be limited to protecting and preserving the God-given rights of life, liberty, the pursuit of happiness, and the ownership and control of property. And in order to identify our Party and our elected officials with certain shared values and principles...'

“Furthermore it reads, ‘The proper role of government at all levels is to protect each person’s unalienable rights of life, liberty and the pursuit of happiness; and each individual’s right to own and control property.’

“My oath of office, all of our oath of office, also declares that I will support, obey and defend the Constitutions of the United States and the State of Utah. I too take that very seriously! This is the background from which I declare and make my following remarks: I find no reason at this time to condemn Snowbird. I find no evidence that their legal right to obtain property and the rights that come with that in Utah County were in anyway shape or form to be in violation with the law. With the legal obtainment of that property, it allows them the ability to use that protected right in any legally prescribed way. We are lucky to have companies like this in Utah County.

“They have approached Utah County with applications to use their private property in a matter that is allowed by our laws and does not require us to change the language of our laws in any way to accommodate this request. So, I cannot see why I would choose to not protect Property Rights when there is no danger or safety concern that has legitimately been raised at this time. In addition, this county has already allowed the exact same use that they are requesting to another a business. Sundance is also a great member of this county. I am so thankful to live in a county with people and companies who are also so passionate about protecting and preserving our lands and also finding ways at their own costs to provide further recreational opportunities to the county and its many visitors.

“Make no mistake about it. I do take Snowbird at their word and hope that they will continue to be a great partner and find ways to keep their private property open to all canyon goers all year as they have stated. I am pleased by their willingness to work with all of the groups to provide access to the canyon on their private property. It would be of great concern to me if that relationship changed and the citizens of Utah County could not enjoy the beauty of one of our many beautiful canyons for recreation. In addition, I would ask all citizens to continue or start to work in a peaceful tone in which we can work together too properly and safely plan the current and future transportation issues for American Fork Canyon. The transportation safety is one of my greatest concerns for the residents and visitors to American Fork Canon and hope we can find working and meaningful solutions to fix this issue while enjoying the area.

“As to those reasons I have stated, I reject any resolution from this body and would point out we already have a resolution that we stated several months ago. We should not interfere with the process and interject ourselves into a process which has been started and is in compliance with our ordinances.

“The Board of Adjustments took a reasonable time and continued for the study of water and here we are interjecting ourselves. Snowbird has violated no laws in our County. We should welcome private businesses that want to invest their own money and continue to do things that are allowed under our laws.

“I also am appalled by some individuals in this county that have made threats to the volunteers, and remember they are unpaid volunteers, of our Board of Adjustments. They give of their time and hear applications and apply our laws in this county to the decisions that they reach. Let’s have respect for each other and have dignified and meaningful conversation. The tone of this argument has to change or we will never get to the important items of work that this county has to do in preparation for the planning of our future. We should be better than that as a county. While others mock us and our beliefs we know that we must respect each other and work together for the future success of our children.

“I will end my statement with this quote from Dwight D. Eisenhower, ‘This world of ours...must avoid becoming a community of dreadful fear and hate, and be instead, a proud confederation of mutual trust and respect.’”

**9. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE MOUNTAINLAND ASSOCIATION OF GOVERNMENT (MAG) 2016 PROJECT IDEA FORMS FOR VARIOUS ROAD AND TRAIL PROJECTS**

Richard Nielson, Public Works Director, explained the process of road and trail projects. He said there were 12 proposed projects the county could sponsor. He spoke of the break-down of trail projects and roads with trail components. He said the costs for all 12 projects totaled \$37 million (\$10 million for trails, \$27 million to road related projects). Discussion was had on how some trails are commuter trails and others recreational. He said they look at the projects to see which best meets the County’s transportation needs. He spoke about the need to repair 9600 South. Richard described how technical committee and MAG “shot for” a list with a maximum of 15% of funding be for trail projects. He stated this is the first time MAG has requested a commission signature on the Idea Form.

**Commissioner Graves made the move to ratify the signature as stated in Item No. 9. The motion was seconded by Commissioner Lee and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves  
NAY: None**

Agreement No. 2016-91

**11. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO ACCEPT THE \$5,000 DONATION TO BE USED BY THE K-9 TEAM**

Commissioner Ellertson pointed out the date needs to be changed to 2016 to make it consistent with when it is signed in 2016.

**Commissioner Graves made the motion to approve and authorize the acceptance of the \$5,000 donation in Item No. 11. Commissioner Lee seconded the motion and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves  
NAY: None**

Agreement No. 92

**12. APPROVE A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD UP TO \$10,000 TO RAH SERVICES FOR THE PEOPLE PROGRAM**

Commissioner Ellertson mentioned the date shows 2015.

**Commissioner Lee made the motion to approve Item No. 12. The motion was seconded by Commissioner Graves and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves  
NAY: None**

Agreement No. 2016-93

- 13. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO ELECTRONICALLY SIGN THE FY2015 EQUITABLE SHARING AGREEMENT AND CERTIFICATION FOR THE DEPARTMENT OF JUSTICE**  
Commissioner Lee made the motion to approve and electronically sign the agreement in Item No. 13 on the Regular Agenda. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE:** Larry A. Ellertson  
William C. Lee  
Greg Graves  
**NAY:** None

Agreement No. 2016-94

- 17. ACCEPT A QUIT-CLAIM DEED FROM REED AND DEE BANKS TO HELP CLEAR UP TITLE ISSUES ALONG BOTH 5000 SOUTH AND PALMYRA ROAD**  
**18. APPROVE AND AUTHORIZE THE UTAH COUNTY CLERK/AUDITOR TO SIGN, ON BEHALF OF UTAH COUNTY, A QUIT CLAIM DEED FOR THE TRANSFER OF PROPERTY LOCATED IN PALMYRA, UTAH, TO REED AND DEE BANKS**

Dianne Orcutt spoke about the forms saying they were waiting on a signature on the Quit Claim Deed from the Bank as they were previously printed in the wrong format. She state Provo Land & Title would be sending it over today. Gary Ratcliffe explained the property owners were anxious to get the forms recorded as soon as possible. Because the forms were printed in the wrong format, they are being reprinted and resigned today. Robert Moore said they could approve it contingent upon receiving the deed an appropriate format and signed.

**Commissioner Graves made the motion to accept the quit-claim deed with the stipulation as stated by Robert Moore. The motion was seconded by Commissioner Lee and carried with the following vote:**

**AYE:** Larry A. Ellertson  
William C. Lee  
Greg Graves  
**Nay:** None

**Commissioner Graves made the motion to approve and authorize Item No. 18 subject to all of the conditions of Item No. 17 being met. Commissioner Lee seconded the motion and carried with the following vote:**

**AYE:** Larry A. Ellertson  
William C. Lee  
Greg Graves  
**NAY:** None

Agreements Nos. 2016-95 and 2016-96

- 20. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH VALLEY CHAMBER OF COMMERCE FOR 2016 SILVER MEMBERSHIP**

Discussion was had about the agreement mentioning 4 tickets for a golf outing or a ski day and whether or not these items should remain in the agreement due to their value being over the \$50 limit. Commissioner Graves said the 18 holes of golf/cart's value is less than \$50. Rob Moore explained, these 4 tickets are for each

individual member/elected official which has a \$50 limit. It is not one amount divided by 4. Commissioner Lee said he was okay as long as the value was less than \$50.

**Commissioner Graves made the motion to approve and authorize the item stated in No. 20. The motion died for a lack of a second.**

**Commissioner Lee stipulated that he would second the motion if the tickets were checked upon receipt to see that the value was less than \$50. Commissioner Graves made a new motion to approve and authorize the agreement in Item No. 20 as long as the ticket value is less than \$50 when received. Commissioner Lee seconded the motion and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves  
NAY: None**

Agreement No. 2016-97

At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

- 30. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES, PREVIOUSLY PUBLICLY NOTICED FOR SALE (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)**

**STRICKEN**

**Commissioner Lee made the motion to strike Regular Agenda Item No. 30 to set date, time, and locations for closed meetings for a strategy session to discuss the sale of real property, water rights, or water shares, previously publicly noticed for sale. The motion was seconded by Commissioner Graves and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves  
NAY: None**

- 27. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)**

**Commissioner Lee made the motion to set a date, time and location for a closed meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals to follow the Regular Agenda items today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Graves and carried with the following vote:**

**AYE:** Larry A. Ellertson  
William C. Lee  
Greg Graves  
**NAY:** None

**SET**

- 28. APPROVE AND SET A DATE, TIME AND LOCAITON FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION (SUGGESTED FOR TODAY’S DATE, AT**

**THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)**

Commissioner Lee made the motion to set a date, time and location for a closed meeting to discuss pending or reasonably imminent litigation to follow the Regular Agenda items today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE:** Larry A. Ellertson  
William C. Lee  
Greg Graves  
**NAY:** None

**SET**

- 29. APPROVE AND SET A DATE, TIME AND LOCATION OFR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES (SUGGESTED FOR TODAY’S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)**

Commissioner Lee made the motion to set a date, time and location for a closed meeting to discuss the purchase, exchange, or lease of real property, water rights, or water shares to follow the Regular Agenda items today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE:** Larry A. Ellertson  
William C. Lee  
Greg Graves  
**NAY:** None

**SET**

**WORK SESSION**

NO WORK SESSION ITEMS WERE SUBMITTED

**PUBLIC COMMENTS**

Wayne Burr, Orem resident, mentioned the traditional rotation of chairmanship of the Board to the vice-chair. He asked why this year was different. Commissioner Ellertson explained it has not always been that way. There

was a determination made between them not to do that this year not because Commissioner Lee was ill but because it was on the agenda. Wayne asked why the vote wasn't delayed. Commissioner Graves commented that during the motion he stated Commissioner Lee would not be happy with the vote. Therefore he believed since the vote would have been 2-1, he accurately reflected how Commissioner Lee's vote would have been in not agreeing with it. Commissioner Lee commented that that was unfortunate in that it caused problems to continue due to a lack of a quorum. Wayne said he thought it was agenda driven by liberal agenda versus a conservative one. Commissioner Graves countered saying his opinion on what was liberal versus conservative. Wayne said a camera will be provided weekly in the commission meetings so that the public is aware of what is happening. He thanked the commissioners for their handling of the public comment earlier in the meeting.

This concluded discussion of all scheduled agenda items, and the meeting recessed at 11:01 A.M. to go into closed sessions. The public meeting reconvened at 11:54 A.M.

**Commissioner Graves made the motion to adjourn the January 26, 2016 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Lee and carried with the following vote:**

**AYE: Larry A. Ellertson  
William C. Lee  
Greg Graves  
NAY: None**

There being no further business nor public comment, the meeting adjourned at 11:55 A.M. The minutes of the January 26, 2016 Commission meeting were approved as transcribed on March 15, 2016.

---

LARRY A. ELLERTSON, Commission Chair

ATTEST:

---

BRYAN E. THOMPSON  
Utah County Clerk/Auditor

Minutes and audio recordings of the meeting are available on the Utah County website at [www.utahcounty.gov](http://www.utahcounty.gov).  
Recorded by Renée Huggins-Caron, Clerk/Auditor Administrative Assistant  
Transcribed by Vicky Westergard, Tax Administration Clerk I